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107-654

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

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07 MAY 14 PM 12:45
DEPARTMENT OF STATE
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA

SPIEGEL & Utrera, P.A.

(Requestor's Name)

1840 SOUTHWEST 22ND STREET, 4TH FLOOR

MIAMI, FL 33145 - (305) 854-6000

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CORPORATION NAME(S) & DOCUMENT NUMBER(S) (if known):

- 1. Ft. Misery
(Corporation Name) (Document #)
- 2. _____
(Corporation Name) (Document #)
- 3. _____
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- 4. _____
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<input type="checkbox"/>	Other

AMENDMENTS	
<input type="checkbox"/>	Amendment
<input type="checkbox"/>	Resignation of R.A., Officer/Director
<input type="checkbox"/>	Change of Registered Agent
<input type="checkbox"/>	Dissolution/Withdrawal
<input type="checkbox"/>	Merger

OTHER FILINGS	
<input type="checkbox"/>	Annual Report
<input type="checkbox"/>	Fictitious Name
<input type="checkbox"/>	Name Reservation

REGISTRATION/ QUALIFICATION	
<input type="checkbox"/>	Foreign
<input type="checkbox"/>	Limited Partnership
<input type="checkbox"/>	Reinstatement
<input checked="" type="checkbox"/>	Trademark
<input type="checkbox"/>	Other

Examiner's Initials

Spiegel & Utrera, P.A.

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Miami, FL 33245-0605

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¹³ Licensed in New York, Florida & Qualified Solicitor
in England and Wales
¹⁴ Licensed in Florida and Registered as a Foreign
Lawyer in England and Wales
¹⁵ Licensed in Florida & Qualified Solicitor
in England and Wales

SENIOR PARALEGALS

GRACIELA BATTAGLIA
ELIZABETH CHATMON
CLAUDIA MERINO

May 10, 2007

SENT VIA COURIER

Trademark Registration Section
Division of Corporations
409 East Gains Street
Tallahassee, Florida 32399

Re: Trademark Registration with the State of Florida, Department of State
Mark: FT. MISERY™
Applicant: Mark Zitzmann
13205 Highland Chase Place
Ft. Myers, Florida 33913

Ladies/Gentlemen:

This office represents **Mark Zitzmann** in the registration of its trademark **FT. MISERY™** with the State of Florida, Department of State.

Enclosed herewith you will find the executed application for the registration of a trademark with the State of Florida, Department of State along with a check for **EIGHTY-SEVEN DOLLARS and FIFTY CENTS (\$87.50)** made payable to the State of Florida, Department of State. Please process the trademark registration application for the trademark **FT. MISERY™** under **Class 25**.

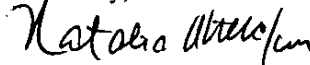
Also enclosed please find the specimens of the mark.

Enclosed you will also find a **Power of Attorney** which has been executed by **Mark Zitzmann** granting this office full power and authority over any matter relating to the filing of its trademark, **FT. MISERY™** with the State of Florida, Department of State. Therefore, please send all communications and correspondence relating to the **FT. MISERY™** trademark filing with the State of Florida, Department of State to our office at the following address:

Spiegel & Utrera, P.A.
P.O. Box 450605
Miami, Florida 33245-0605

Thank you for your prompt attention to this matter. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Natalia Utrera

NU/cm
Enclosure

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK

PURSUANT TO CHAPTER 495, FLORIDA STATUTES

**TO: Division of Corporations
Post Office Box 6327
Tallahassee, FL 32314**

PART I

1. (a) Applicant's name: Mark Zitzmann

(b) Applicant's business address: 13205 Highland Chase Place

Ft. Myers, Florida 33913

City/State/Zip

If different, Applicant's mailing address: the same

City/State/Zip

(c) Applicant's telephone number: (239) 561-3537

- Individual Corporation Joint Venture Limited Liability Company
 General Partnership Limited Partnership Union Other: _____

If other than an individual,

(1) Florida registration/document number: _____ (2) Domicile State: _____

(3) Federal Employer Identification Number: _____

2. (a) If the mark to be registered is a service mark, the services in connection with which the mark is used:
(i.e., furniture moving services, diaper services, house painting services, etc.)

N/A

(b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:
(i.e., ladies sportswear, cat food, barbecue grills, shoe laces, etc.)

clothing, namely, t-shirts, pants, shirts, blouses

(c) The specific way the mark is applied to the good(s) or used in advertising:(i.e., labels, decals, newspaper advertisements, brochures, etc.)

advertising, labels, hang tags

d) The class(es) in which goods or services fall:

Class 25

(Continued)

PART II

1. Date first used by the applicant, predecessor, or a related company (must include month, day and year):

(a) Date first used anywhere: 3/17/2007 (b) Date first used in Florida: 3/17/2007

PART III

1. The mark to be registered is: (If logo/design is included, please give brief written description which must be 25 words or less.)

FT. MISERY

English Translation _____

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM " _____ " APART FROM THE MARK AS SHOWN.

I, Natalia Utrera, Attorney in fact for Applicant

being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and to the best of my knowledge no other person except a related company has registered this mark in this state or has the right to use such mark in Florida either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person to cause confusion, to cause mistake or to deceive. I make this affidavit and verification on my the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct.

Natalia Utrera

Typed or printed name of applicant

Applicant's signature
(List name and title)

FILED
07 MAY 14 AM 7:35
SECRETARY OF STATE
TALLAHASSEE FLORIDA

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

On this 10th day of May, 2007, Natalia Utrera personally appeared before me,

who is personally known to me whose identity I proved on the basis of _____

(Seal)

Marysabel Merino
Notary Public Signature

Marysabel Merino
Notary's Printed Name

My Commission Expires: 06/12/09



Marysabel Merino
Commission # DD440018
Expires: JUNE 12, 2009
www.AARONNOTARY.com

FILING FEE: \$87.50 per class

Power of Attorney

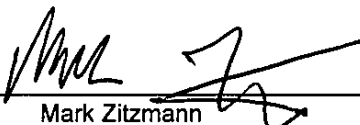
Know All Men By These Presents, that **Mark Zitzmann** has made, constituted and appointed, and by these presents does make, constitute and appoint **Spiegel & Utrera, P.A., a Florida Professional Association** his true and lawful attorney-in-fact for all matters relating to the filing and registering of his trademark, **FT. MISERY™**, with the State of Florida, Department of State office in his name, place and stead giving and granting unto said attorney-in-fact full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in relating to the filing and registration of his trademark, **FT. MISERY™** with the State of Florida, Department of State office as they might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that **Spiegel & Utrera, P.A., a Florida Professional Association** shall lawfully do or cause to be done by virtue hereof.

Mark Zitzmann hereby covenants and agrees to hold harmless any person who may act in reliance upon the authority granted to his attorney-in-fact, **Spiegel & Utrera, P.A., a Florida Professional Association**.

This Power of Attorney shall remain in force and affect until the trademark, **FT. MISERY™**, has completed the registration process with the State of Florida, Department of State office.

In Witness Whereof, I have hereunto set my hand and seal this 22 day of March 2007

Signed and Sealed in the presence of:




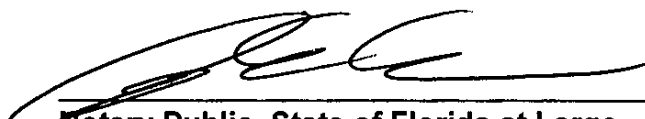
Mark Zitzmann

State of Florida
County of Lee

Be It Known, That on the 22 day of Mar, 2007, before me appeared Mark Zitzmann to me well known or who has produced HDL as identification to be the individual described in and who executed the foregoing Power of Attorney, and acknowledged before that he/she executed the same for the purpose therein expressed.

In Testimony Whereof, I have hereunto subscribed my name and affixed my seal in the County and state named above this 22 day of Mar, 2007.

NOTARY PUBLIC-STATE OF FLORIDA
 Joanne Edwards
Commission # DD389041
Expires: MAR. 04, 2009
Bonded Thru Atlantic Bonding Co., Inc.



Notary Public, State of Florida at Large
Printed Name: Joanne Edwards
My Commission Expires: _____

SPECIMENS

Applicant: Mark Zitzmann

Mark: FT. MISERY™

Class: Class 25

○ FIT.MISERY™